
Washington Administrative Code
Notice of Permanent Rules for Chapter 196-12 WAC –
Registered professional engineers

This explanatory statement concerns the **Washington State Board of Registration for Professional Engineers and Land Surveyors’ rule amendments of Chapter 196-12 WAC – Registered professional engineers.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Board of Registration for Professional Engineers and Land Surveyors will file the amended rules with the Office of the Code Reviser. These rule changes will become effective April 30, 2015.

The Board appreciates your involvement in this rule making process. If you have any questions, please contact Shanan Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at sgillespie@dol.wa.gov.

What are the agency’s reasons for adopting this rule?

Repeal of WAC 196-12-050 (Waiving the fundamentals-of-engineering examination) is needed, as the authority to grant a waiver of the fundamentals-of-engineering examination is not authorized in Chapter 18.43 RCW, the Professional Engineers’ Registration Act.

An amendment to WAC 196-12-010 is needed to delete language regarding a waiver of the fundamentals-of-engineering examination.

Summary of all public comments received on this rule proposal and the agency’s response to those comments:

- A. I would consider making a comment to the board if I knew the reasoning behind eliminating the waiving the fundamentals-of-engineering examination provision in WAC 196-12-050. Could you provide me with some information on this subject?

The repeal is being requested as the authority to grant a waiver of the fundamentals-of-engineering examination does not exist currently in statute (RCW 18.43).

- B. The intent of the rule making is to remove waivers for the FE exam. Under this change all applications for a license would have to take and pass the FE exam. My concern is that this might also change the current practice of allowing people to apply to take the FE exam based solely on past experience. If this is the case, I feel this additional step would be a mistake. Individuals who gained their engineering experience

outside of traditional educational models have much to offer our profession. Limiting licensure to only individuals with ABET degrees would unnecessarily limit diversity among licensed engineers.

Education is not a requirement for licensure as a professional engineer. Repeal of the FE waiver would NOT change this.

My second comment is related to the proposed edit to WAC 196-12-010(4). This edit appears to remove the requirement for passing the ethics examination. I oppose this change. Not only is this change to the rules not described in the CR-102 document, this change is antithetical to the practice of engineering. Engineering licensure exists to "safeguard life, health, and property, and to promote the public welfare" (WAC 18.43.010). The public holds engineers in high regard for our ethical standards. The engineering profession should hold ourselves to a high ethical standard. While an examination testing an understanding of ethics does not guarantee ethical behavior, it should continue to be a part of how our profession ensures a high ethical standard among licensed engineers.

We are not changing the exam format or the purpose if it's use. We are only changing the title of the examination.

- C. The FE waiver has been in effective for many years and in many states. I have been working for 20 years in engineering, like many who have not taken the FE test due to many reasons, have known that we will take PE exam one day. It was a surprise and hard hit for many older engineers because we always taught that we can get the FE waiver when we ready to take the PE exam. I for example is at my mid 40s and was ready to take the PE exam this year and now it is just really really hard for a middle age engineer to go back to study the broad FE material while working full time. I wish there are some warnings about the FE waiver will be removed, but was surprised to find it gone suddenly.

The truth is passing a FE exam does not really help much for someone who already has more 12 or 15 or more years of engineering experience as most have been 'stucked' at certain industries. It's almost telling an engineer to forget about doing PE exam if that person has not taken FE the initial first 6 years after college graduation. You will lose many qualify engineers who cannot afford the time to re-study the basic FE exam and decided not to take PE at all.

If FE waiver must be removed, I propose to allow another 2 to 3 years of WARNING and give those who intend to take PE a chance to do it quickly within the next 2 years. I myself have been finally had the courage to take PE this year but not able to because of the sudden FE waiver removal.

All rules adopted by the Board must first be authorized by specific wording in Chapter 18.43 RCW. That law, known as the Engineer's Registration Act, was studied to determine if the waiver was clearly authorized by the state legislature. That review concluded that changes to the act in 1995 changed wording and removed the Board's discretion to grant experience credit in place of passing the FE exam. The changes in 1995 spell out a condition that two exams are required and both must be passed. That discovery was the reason for the proposed changes.

WAC Changes:

No changes.